

Application Number: 10/597,899
Amendment Dated: September 15, 2010
Reply to Office Action: March 15, 2010

REMARKS

This paper is responsive to the Office Action dated March 15, 2010, for which a three (3) month period of response was given. A Petition and fee for a three (3) month extension of time accompanies this paper. No additional claim fees are believed to be due. The Commissioner is hereby authorized to charge any fees due to Deposit Account No. 50-0959, Attorney Docket No. 089498.0489.

Claims 13 through 31 are pending in the present application upon entry of the above amended claims. Claim 19 has been withdrawn to a non-elected species. However, should pending claim 13 be found to contain allowable subject matter, rejoinder of claim 19 will be sought. Claims 13 and 22 have been amended to more clearly state the nature of the present invention. Support for the amendments made to claims 13 and 22 exists in the specification as filed. Thus, no new matter has been added.

Non-elected claims 1 through 12 and 32 through 34 were previously cancelled. Applicants reserve the right to file one or more divisional applications directed to the various non-elected Groups of claims at any appropriate time as permitted under the rules set forth in the MPEP. As such, entry and consideration of the amendments to the claims, and the remarks that follow, are believed due and are respectively requested.

Additionally, Applicants' undersigned attorney would like to thank the Examiner for the acknowledgement of the allowable nature of the subject matter of claims 26 through 28, if rewritten into independent format including all of the limitations of the case claim and any intervening claims.

I. The 35 U.S.C. § 102(e) Rejections:

Claims 13 through 15, 18, 20, 22 and 29 have been rejected under 35 U.S.C. § 102(e) over Chase (United States Patent Application Publication No. 2004/0159609 A1). Chase relates to a method for improving one or more of the operations of forming, washing, deliquoring, and collecting a filter cake that utilizes a slurry of at least one solid and at least one liquid is drawn through a filter medium having an upstream and a downstream side,

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such that at least a portion of the at least one solid is collected on the filter medium as a filter cake.

Although the Examiner contends that Chase discloses placing a fiber into a liquid medium and then depositing the fibers onto a filter substrate, there is no clear language in Chase that discloses, teaches or suggests, that the fibers formed therein actually migrate into any hole, or openings, that may exist in the filter medium. As such, Chase fails to disclose, teach or suggest the methods of claims 13 and 22. Additionally, Chase does not disclose, teach or suggest forming fibers from the materials specified in claims 13 and 22.

Since Chase fails to disclose, teach or suggest each and every feature of pending claims 13 and 22, Chase cannot anticipate, or render obvious, claims 13 through 15, 18, 20, 22 and 29. As such, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 13 through 15, 18, 20, 22 and 29 over Chase is believed due and is respectfully requested.

Claims 22, 24, 25 and 30 have been rejected under 35 U.S.C. § 102(e) over Greenhalgh et al. (United States Patent Application Publication No. 2003/0195611 A1). Greenhalgh et al. relates to a process for covering a surface with fibers. However, Greenhalgh et al. does not disclose, teach or suggest the process of amended claim 22 where the fibers utilized therein are formed from the materials specified in claim 22.

Since Greenhalgh et al. fails to disclose, teach or suggest each and every feature of pending claim 22, Greenhalgh et al. cannot anticipate, or render obvious, claims 13 through 22, 24, 25 and 30. As such, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 22, 24, 25 and 30 over Greenhalgh et al. is believed due and is respectfully requested.

II. The 35 U.S.C. § 103(a) Rejections:

Claims 16, 17 and 21 have been rejected under 35 U.S.C. § 103(a) over Chase (United States Patent Application Publication No. 2004/0159609 A1) in view of Lee et al (United States Patent Application Publication No. 2002/0100725).

As is well settled, the use of co-owned 35 U.S.C. 102(e) art under 35 U.S.C. § 103(a) is precluded. As such, since the present application and Chase (United States Patent Application Publication No. 2004/0159609 A1) are both assigned to The University

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of Akron (see reel and frame 019183/0956 and 013794/0862, respectively). The combination of Chase and lee et al. is improper. Thus, this 35 U.S.C. § 103(a) rejection should be withdrawn, and withdrawal thereof is respectfully requested.

Claim 31 has been rejected have been rejected under 35 U.S.C. § 103(a) over Greenhalgh et al. (United States Patent Application Publication No. 2003/0195611 A1) in view of Treat et al. (United States Patent Application Publication No. 2004/0073205). The teachings and shortcomings of Greenhalgh et al. are discussed in detail above.

Treat et al. relates to a device for sealing and/or cutting tissue during surgery. As can be seen from the disclosure contained therein, Treat et al. fails to cure the deficiencies of Greenhalgh et al. as Treat et al also fails to disclose, teach or suggest the method of amended claim 22. As such, the combination of Greenhalgh et al. and Treat et al. fails to render obvious claim 31, and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 31 is believed due and is respectfully requested.

III. Conclusion:

Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejections and the 35 U.S.C. § 1033(a) rejections of claims 13 through 18, 20 through 25 and 29 through 31 is respectfully requested.

For at least the foregoing reasons, all of the pending claims, claims 13 through 31, of the present application are believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

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Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

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